

# STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION  
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**PETITION OF DUKE ENERGY INDIANA, LLC PURSUANT TO )  
IND. CODE §§ 8-1-2-42.7 AND 8-1-2-61, FOR (1) AUTHORITY )  
TO MODIFY ITS RATES AND CHARGES FOR ELECTRIC )  
UTILITY SERVICE THROUGH A STEP-IN OF NEW RATES )  
AND CHARGES USING A FORECASTED TEST PERIOD; (2) )  
APPROVAL OF NEW SCHEDULES OF RATES AND )  
CHARGES, GENERAL RULES AND REGULATIONS, AND )  
RIDERS; (3) APPROVAL OF A FEDERAL MANDATE )  
CERTIFICATE UNDER IND. CODE § 8-1-8.4-1; (4) APPROVAL )  
OF REVISED ELECTRIC DEPRECIATION RATES )  
APPLICABLE TO ITS ELECTRIC PLANT IN SERVICE; (5) )  
APPROVAL OF NECESSARY AND APPROPRIATE )  
ACCOUNTING DEFERRAL RELIEF; AND (6) APPROVAL OF )  
A REVENUE DECOUPLING MECHANISM FOR CERTAIN )  
CUSTOMER CLASSES )**

) CAUSE NO. 45253

You are hereby notified that on this date the Indiana Utility Regulatory Commission (“Commission”) has caused the following entry to be made:

On October 15, 2019, the Indiana Office of Utility Consumer Counselor (“OUCC”), Citizens Action Coalition of Indiana (“CAC”), Environmental Working Group, Indiana Community Action Association, Indiana Laborers District Council, The Kroger Co., Sierra Club, and Walmart, Inc., (“Joint Movants”) filed *Joint Motion to Amend Procedural Schedule for Appropriate Relief, and for Expedited Briefing* (“Motion”) in the above-captioned cause.<sup>1</sup> Joint Movants request that Duke Energy Indiana, LLC (“DEI”) refile its Minimum Standard Filing Requirements documents (“MSFRs”), workpapers, exhibits and discovery responses so that these documents and spreadsheets have formulas intact and are logically linked to one another so that parties can follow the chain of evidence presented by DEI in this Cause. Furthermore, Joint Movants request the Commission extend the prefilings date of the OUCC and intervenors by three weeks from the date DEI refiles its MSFRs, workpapers, exhibits, and discovery for due cause. In addition, Joint Movants respectfully request expedited discovery turnaround for discovery requests related to DEI’s COSS. Finally, Joint Movants request the Commission expedite the period for the response and reply filings on this Motion. On October 18, 2019, the Presiding Officers granted Joint Movants request to expedite the period for the response and reply filings on this Motion.

On October 22, 2019, DEI filed *Duke Energy Indiana, LLC’s Response to Joint Movants’ Motion to Amend Procedural Schedule* (“Response”). DEI argued that when it filed its case-in-chief, MSFRs,

<sup>1</sup> On October 16, 2019, the Duke Industrial Group (“Industrial Group”) and Nucor Steel-Indiana, a division of Nucor Corporation (“Nucor”), filed their respective joinders in support of the Motion.

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and workpapers, DEI fully complied with the Commission's MSFR Rules and GAO Guidance. Thus, DEI requested that the Commission deny the Motion. On October 24, 2019, Joint Movants filed their reply in support of the Motion.

On July 2, 2019, DEI filed its request for relief, including its case-in-chief, MSFRs, and workpapers. Pursuant to Ind. Code § 8-1-2-42.7, a utility may seek to implement temporary rates and charges if the Commission does not issue an order within 300 days of the date the case-in-chief is filed. The Commission's General Administrative Order 2013-5 was written to facilitate the completion of a rate case with a 300 day timeframe. On July 23, 2019, DEI, on behalf of itself and other parties in the case at that time, filed a Motion For Approval of Agreed Procedural Schedule, which was approved by Docket Entry on July 31, 2019. The agreed and approved schedule in effect moved the procedural schedule from a 300 day to 360 day timeline. The workings of Ind. Code 8-1-2-42.7 do not invoke the GAO or MSFR rule in the timing of when temporary rates can be submitted, reviewed, and made effective. Accordingly, the GAO's, as well as the underlying MSFR rules, basis of facilitating a 300 day schedule became moot. Subsequently, on September 9, 2019, DEI filed its Motion to Amend its Verified Petition. On September 18, 2019, CAC filed its Unopposed Motion for Extension of Time to Two Days to Respond to DEI's Motion to Amend Verified Petition ("CAC's Motion") within which to file any response to DEI's Motion to Amend its Verified Petition. In CAC's Motion, CAC requested two days "to evaluate whether it would like to directly respond to Duke's Motion to Amend Petition, or seek other relief from this Commission at a later date." On September 20, 2019, the CAC filed notice that it will not be filing a response to DEI's Motion to Amend Verified Petition. However, over a month after DEI amended its filing, and three months after DEI filed its case-in-chief, Joint Movants have filed an objection to DEI's case-in-chief. The delay in the filing does not comport with the additional time afforded on the front end of the procedural schedule pursuant to the previously agreed to schedule. DEI provided a measure of relief in the agreed schedule to which the other parties have failed to utilize. Further, the pleadings indicate that DEI made the Cost of Service Study Model available to the parties, at its Plainfield office. However, it does not appear that any of the parties availed themselves of this opportunity. Thus, we hereby deny the Motion.

**IT IS SO ORDERED.**



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James F. Huston, Chairman



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Sarah E. Freeman, Commissioner



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David E. Veleta, Senior Administrative Law Judge

Date: 10/28/19